



EPW

PATENT
1110-0266P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NAGATA et al. Conf.: 5291
Appl. No.: 09/508,849 Group: 1642
Filed: March 17, 2000 Examiner: A. Harris
For: NOVEL FAS LIGAND DERIVATIVE

STATEMENT OF SUBSTANCE OF THE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 1, 2005

Sir:

The present remarks are submitted in response to the Interview Summary issued by the Examiner on February 1, 2005. In the Interview Summary, the Examiner correctly states that a discussion telephone interview/discussion was held with Applicant's representative on January 31, 2005. However, the Examiner grossly misquotes what was stated during that interview by Applicant's representative. The Examiner states, in part, that

Applicants' representative, Ms. Armstrong pointed out to the Examiner that the period found on line 5, of claim 12, should have been deleted in response to the claim objection in the Action mailed on April 5, 2004.

The Examiner then states that she thanked Applicants' representative for noticing the "oversight." However, Applicants' representative never stated nor implied that "the period found on line 5, of claim 12, should have been deleted in response to the claim objection." The error in claim 12

discussed with the Examiner on the telephone, and similarly explained in the amendment submitted under 37 C.F.R. §1.312, is the inclusion of text following the period, which was erroneously copied from another claim. Thus the correction to claim 12 is to delete the text following the period, not to delete the period. Applicant's representative would like to further note for the record that when the Examiner called Applicant's representative and left a voicemail stating she was going to issue an Interview Summary indicating that the undersigned had said that the period should be deleted, the undersigned immediately called the Examiner back to clarify the record. However, the grossly inaccurate Interview Summary record was issued by the Examiner anyway, setting an incorrect record that now needs to be addressed by Applicants.

Applicants would like to further point out the "oversight" with the correction to claim 12, that resulted in the necessity of Applicants filing a 312 amendment occurred because the Examiner erroneously issued the Notice of Allowance, with the objection outstanding. Applicants had scheduled an interview with the Examiner to discuss the outstanding objections and rejections in the Office Action of April 5, 2004. On the day of the interview, the Examiner telephoned Applicant's representative and left a voicemail, canceling the interview and stating that she had issued a Notice of Allowability. Thus, Applicants never had an opportunity to address the objection to claim 12, that the Examiner raised in the April 5, 2004 Office Action.

Should the Examiner have any questions regarding the above-indicated application she is requested to please contact MaryAnne Armstrong, PhD (Reg. No. 40,069) in the Washington, D.C. area at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By ma an

MaryAnne Armstrong, PhD, #40,069

GMM/MAA/csm
1110-0266P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000